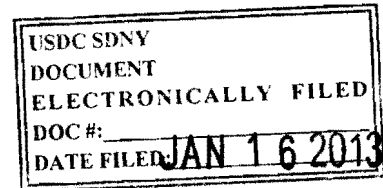


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January 15, 2013

Via: E-Mail (ForrestNYSDChambers@nysd.uscourts.gov)
And Regular Mail

Honorable Katherine B. Forrest
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 745
New York, New York 10007-1581

Re: JAMES ABRAHAM, ET AL. v. RICHARD AQUILONE, JR.
Index No.: 11-cv-05947 (KBF)
Our File No.: 628-16385

Dear Judge Forrest:

We are counsel for defendant, Richard Aquilone, Jr., in the above captioned marine collision matter.

Per Your Honor's Order of **July 25, 2012**, we hereby provide the Court with an update on the status of defendant's criminal proceeding in the Supreme Court of the State of New York, County of New York:

As previously mentioned, on **September 13, 2012** the defendant was indicted (State of New York, Indictment Num. 3325/2012), and Your Honor therefore stayed the civil proceedings.

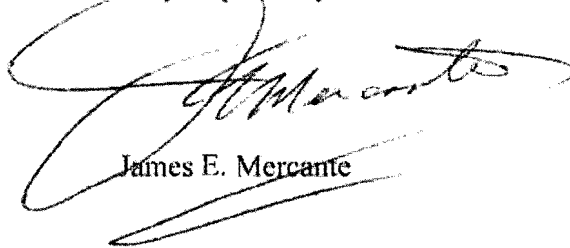
Honorable Katherine B. Forrest
United States District Judge
January 15, 2013
Page 2 of 2

On **November 19, 2012**, defendant appeared at a status conference before Judge Stone. On that date, Defendant's counsel presented a motion to dismiss the charges against the defendant. On **January 7, 2013**, we were notified that Judge Conviser retired from the bench prior to issuing a ruling on the motion to dismiss, and that the case was assigned to Judge Jill Conviser. Defendant's counsel is scheduled to appear before Judge Convert on **January 24, 2013**.

Defendant's criminal proceedings remain open at this time.

Per Your Honor's Order, we will continue to monitor this matter and update the Court every three (3) months.

Very respectfully,



James E. Mercante

JEM/RG/bl

Copy: Via Email (Amaloney@kreindler.com)
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Salomy Puthuvamkunnath*

1/16/13

Ordered
Clerk to post
letter on docket.

← B. For
WST